
HOUSE BILL No. 1233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2-51.8; IC 12-15-26-3.

Synopsis: Mental health drugs for Medicaid recipients. Provides that a recipient in the fee for service Medicaid program may not be restricted access to mental health drugs.

Effective: Upon passage.

Crosby

January 10, 2002, read first time and referred to Committee on Public Health.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1233

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 12-7-2-51.8 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 51.8. "Cross-indicated drug", for purposes**
4 **of IC 12-15-26-3, has the meaning set forth in IC 12-15-26-3(b).**

5 SECTION 2. IC 12-15-26-3 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
7 UPON PASSAGE]: **(a) This section does not apply to:**

8 **(1) a Medicaid recipient who is enrolled in a Medicaid**
9 **managed care program; or**

10 **(2) a Medicaid managed care organization.**

11 **(b) As used in this section, "cross-indicated drug" means a drug**
12 **that is used for a purpose generally held to be reasonable,**
13 **appropriate, and within the community standards of practice, but**
14 **whose use is not included in the federal Food and Drug**
15 **Administration's approved labeled indications for the drug.**

16 **(c) Except as provided in subsection (e), a recipient enrolled in**
17 **the Medicaid program shall have unrestricted access to the drugs**



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described in subsection (d).

(d) A prescription drug, including a brand name drug that has a generically equivalent drug product (as defined by IC 16-42-22-4), that is prescribed for a Medicaid recipient's mental illness, as classified in the most recent publication of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, is not subject to prior authorization if the drug is one (1) of the following:

(1) A central nervous system drug:

(A) classified as an antianxiety, antidepressant, or antipsychotic drug; or

(B) that after January 1, 2002, is classified in a new category or classification;

in the most recent publication of Drug Facts and Comparisons (published by J.B. Lippincott Company).

(2) A cross-indicated drug used as an antianxiety, antidepressant, or antipsychotic drug according to the American Psychiatric Press Textbook of Psychopharmacy, Current Clinical Strategies for Psychiatry, Drug Fact and Comparisons, or a publication with a similar focus and content.

(e) The office may place limits on quantities dispensed or the frequency of refills for a drug listed under this section only if the office:

(1) adopts the limits on quantities and refills for the purpose of preventing fraud, abuse, waste, overutilization, or inappropriate utilization, or to implement disease management;

(2) takes into account quality of care and the best interests of Medicaid recipients;

(3) seeks the advice of the drug utilization review board (established by IC 12-15-35) at a public meeting; and

(4) publishes and distributes a provider bulletin that complies with the requirements of IC 12-15-13-6.

SECTION 3. An emergency is declared for this act.

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